visions of the act, nevertheless are im-mune from a decree effectually ending the combination and putting it out of their power to attain the unlawful pur-

poses sought, because of some reasons of public policy requiring such conclu-

"I know of no public policy which

sanctions a violation of the law, nor of any inconvenience to trade, domestic or foreign, which should have the effect of

placing combinations, which have been able to thus organize one of the greatest industries of the country in deflance of

law, in an impregnable position above the centrel of the law forbidding such

combinations. Such a conclusion does violence to the policy which the law was

intended to enforce, runs counter to the

decisions of the court, and necessarily results in a practical nullification of the

(Sherman) act itself.
"It (the act) was not intended

merely suppress unfair practices, but, as its history and terms amply show, it was intended to make it criminal to form

combinations or engage in conspiracies or contracts in restraint of interstate

Sees No Ground for Immunity.

upon foreign trade of dissolving unlawful ombinations, is sufficient to entitle it to

mmunity from the enforcement of the

"Nor can I yield assent to the prop

osition that this combination has not acquired a dominant position in the trade, which enables it to control prices

and production when it sees fit to exert

'That the exercise of power may be

"It is said that a complete monopoli

"It is affirmed that to grant the Gov

teel business of the country. .

a decree framed for that purpose.

present have never doubted that the final

ome respects is quite possible.
"The fact that a minority opinion, in-

dorsed by three able judges, was filed in

rights and interests of the public.

ing our management, our conditions and

World's Largest and Strongest

Surety Company

in January 1920, an increase of more than 38% over January 1919.

Capital, Surplus & Loss Reserves-Jan. 31, 1920, over \$12,500,000

NATIONAL SURETY COMPANY

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Over ONE MILLION DOLLARS NET PREMIUMS written

This full measure of patronage demonstrates a growing public -

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United States.

The present decision, therefore, instead of overthrowing the doctrine of the Standard Oil and tobacco cases, merely permits the Steel Corporation to escape application of that doctrine to it. In future cases the court, with all members attring, would stand by the rule of the informer cases, and the law would be upled as in the oil and tobacco cases.

Pinancial Leaders Involved.

The decision to-day involved the most and finance, many of whom are now dead. Among them were Andrew Cardead. Among them were Andrew Car-negie, H. H. Harriman, E. F. Morgan, Sr., and J. F. Morgan, Jr., John D. Rockefeller, Sr., and John D. Rocke-feller, Jr., Charles M. Schwab, Elbert H.

Gary, George W. Perkins, James J. and Jouls W. Hill and H. C. Prick. Included in the list of defendants are he United States Steel Corporation, the Carnegie Steel Company, the Federal Steel Company, the American Steel and Wire Company of New Jersey, the Na-Tional Tube Company, the American Sheet and Tiff Plats Company, the American Tin Plate Company, the American Bridge Company, the Lake Superior Consolidated Iron Mines, the H. C. Frick Coke Company, the Shelby Steel Tube Company, the Union Steel Company, the Clariton Steel Company, the Tennessee Coal and Iron Company and the Great Western Mining Company,

a so-called steel trust, the minority on pointed out, is a combination of modependent concerns, with a compurchases while Col. Roosevelt was un- act." quainted with the real facts. Involved "The propositions and suggestions do the litigation were the noted Gary not commend themselves. We do not

the court declared the Colgate decision of several years ago took the same posi-

Justice McKenna's Opinion.

such an act. This is urged, as we have decision in the propositions of the Gov seen, and that the interest of the people is involved and that such interest is Granted-though it is difficult to see how there can be restraint of trade when there is no restraint of competitors in the trade nor complaints by customers-how can it be worked out of the situation and through what proposition of law? Of course it calls for nothing other than a right application of the law and to repeat what we have said above. shall we declare the law to be that to which such interests prompt without size is an offence, even though it minds any disturbance to business. The com-Its own business, because what it does is

"The corporation undoubtedly is impressive size and it takes an effort of resolution not to be affected by it or to exaggerate its influence. But we must adhere to the law, and the law does not mere size an offence or the existence of unexerted power an offence. It, we repeat, requires overt acts and trusts to its prohibition of them and its power

ie possible.
"Admitting, however, that there "Admitting, however, that there pertinent strength in the propositions of laration, in nothing but the control of the Government and in connection with oin the Standard Oil case between acts in violation of the statutes and a have the strange circumstances of viodone in violation of the statutes and a itself is not only a continued attempt to used as expedients of the law. monopolize, but also a monopolization. In such case we declared the duty to ree the statute' required 'the applieation of broader and more controlling nedles than the other.' And the remedies applied conformed to the declarathere was prohibition of future acts and there was dissolution of the comextension and continually operating the restoration of the conditions of twenty years ago, if not literally, sub-unlawfully obtained had brought stantially. Is there suitages unlawfully obtained' had 'brought' and would 'continue to bring about.'

"Are the case and its precepts ap-icable here? The Steel Corporation by its formation united under one control this can only be done in a general way urged, a condition was brought about in in mind. No other comment of it is of the statutes and therefore necessary. violation of the statutes and therefore increasing.

filegal and because 'a continually operation that it and all it prescribes aloud be considered as ng force' with the 'possession of power inlawfully obtained.'

Ceased Improper Actions.

"But there are countervalling considerations. We have seen whatever there was of wrong intent could not be executed, whatever there was of evil effect was discontinued before this suit was brought, and this, we think, determines the decree. We say this in full realization of the requirements of the law. It is clear in its denunciation of monopolies and equally clear in its direction that the courts of the nation shall prevent and restrain them (its language is 'to prevent and restrain violations of the act), but the command is necessarily to the conditions which may exist and the unusual powers of a court of equity to adapt its remedies to these

"In other words, it is not expected to enforce abstractions and do injury thereby, it may be, to the purpose of the law. It is this flexibility of dis-cretion—indeed, essential function—that makes its value in our jurisprudence— value in this case as in others. We do not mean to say that the law is not its own measure and that it can be disrerarded, but only that the appropriate relief in each instance is remitted to a court of equity to determine, not, and let us be explicit in this, to advance a

policy contrary to that of the law but in submission to the law and its policy, and in execution of both. "And it is certainly a matter for con-sideration that there was no legal attack on the corporation until 1911, ten years after its formation and the commencement of its career. We do not, however, speak of the delay simply as to its time of time, but on account of what was one during that time—the many milions of dollars spent, the development ade, and that the enterprises underthe investments by the public at have been invited and are not to be

And what of the foreign trade that been developed and exists? The

Colds, Grip, or Influenza a Preventative, take LAXATIVE QUININE Tablets, Look for E. W. signature on the box 30c,—45c,

POT LUCK

In certain old quartiers of Paris there are stands where a sou buyes a bowl of soup.

For two sous, the customer is entitled to dip in the ladle

If he gets a piece of meat, his "fortune du pot", or pot luck,

At CHILDS, finding plenty of delicious meat in the stew

be very easily preserved, and a medium through which the steel business might reach the balance of the world, and that bined capitalization of about \$1.500,600,000. Freshtent Boosevelt was drawn
into the controversy when, in 1907, he
approved the merger of the Tennessee
Coal and Iron Company into the Steel
Corporation. The Government charged
that E. H. Gary and the late H. C.
Frick influenced the authorization of the
Frick influenced the authorization of the
inthaction of the suggestion that not only the Steel
Corporation, 'but other steelmakers of
this country, could function through an
intrumentality created under the Webb

dinners, mentioned in both opinions.

The Government charged the corporation with a monopoly of many forms of the steel industry, such as steel tubes preserved and yet be such an evil instrumentality in the trade of the world and its beneficence preserved and yet be such an evil instrumentality in the trade of the United steel. In its decision on resale price fixing by whom and how shall all the adjustweral years ago took the same posi-This was the main reliance of de-sustained and its power of control over fence on the part of the manufacturer, its subsidiary companies be retained who alleged that the opposite view was and exercised in the foreign trade and expressed in the Colgate case. [given up in the domestic trade? The Government presents no solution of the

"Counsel realize difficulties and seen majority opinion, delivered by to think its solution or its evasion is it The majority opinion, delivered by Jastice Bickenna, says in part:

"The corporation was formed in 1901, no act of aggression on its competitors is charged against it, it confederated with them at times in offence against the law, but abandoned that before this judicial action under existing laws, not been active that have not been suit was brought, and since 1911 not an action under laws that have not been act in violation of the law can be established against it except its existence be must now decide, and we see no guide to such an act. This is proved as we have

Would Let Subsidiaries Run.

"The Government, however, tenta tively presents a proposition which has some tangibility. It submits that cartain of the subsidiary companies are so mechanically equipped and so of-ficially directed as to be released and remitted to independent action and individual interests and the competition Carnegie Steel Company (a combina-tion of the old Carnegie company, the National Steel Company and the Ameri-can Steel Company), the Federal Steel Company, the Tennessee Company and the Union Steel Company (a combination of the Union Steel Company of Sonora, Pa.; Sharon Steel Company of Sharon, Pa., and Sharon Tin Plats Company). They are fully integrated, to repress or punish them. It does not it is said, possess their own supplies, compel competition nor require all that facilities of transportation and distribution. They are subject only to the Steel Corporation, is in effect the decm, we recall the distinction we made ically that they are defendants in the suit and charged as offenders and we

"But let ue see what guide to a pro-cedure of dissolution of the corpora-tion and the dispersion as well as of its subsidiary companies, for they are asserted to be illegal combinations, is prayed. And the fact must not be over-looked or underestimated. The prayer of the Government calls for not only a bacco case? As an element in determining the answer we shall have to compare the cases with that at bar, but It has received so much

and proscribes should be considered as onsciously directing presence. "The Standard Oil Company had its origin in 1882 and through successive rms of combinations and agencies i progressed in illegal power to the day of the decree, even attempting to cirision of a court against it. And its nethods in using its power were of the find that Judge Woolley described as

Made War on Competitors.

brutal' and of which practises he said he Steel Corporation was absolutely

"We have enumerated them, and this eference to them is enough. And of the practises this court said no disin-terested mind could doubt that the pur-pose was 'to drive from the field and to exclude them from their right to trade, and thus accomplish the mastery which was the final end in view." t was further said that what was done and the final culmination in the plan of the New Jersey corporation' made 'manifest the continued existence of the intent . . . and compelled the expansion of the New Jersey corporation.' It was to this corporation, which represented the power and purpose of all that proceeded, that the suit was addressed and the decree of the court was to apply. What we have quoted contrasts that case with this.

"The tobacco case has the same bad distinctions as the Standard Oil case. The illegality in which it was formed (there were two American Tobacco companies, but we use the name as designating the new company as repre-senting the combinations of the suit) continued, indeed progressed, in inten-sity and defiance to the moment of de-

"In other words, the progress of the ombination was signalled to competitors and the choice presented to them was submission or ruin, to become parties to the Hiegal enterprise or be firlyen 'out of business.' This was the purpose and the achievement and the processes by which achieved, this court enumerated to be the formation of new companies, taking stock in others been developed and exists? The runnerat, with some inconsistency, it is to us, would remove this from the c of dissolution. Indeed, it is id out that under the Congressional afton in the Webb act the foreign of the corporation is reserved to defurther it is said that the corner has constructed a company which can distort the trade; the entry of others into the trade; the expensional products Company, which can distort of millions upon millions in buyditure of millions upon millions in buy-ing out plants, not to utilize them but to close them; by constantly recurring stipulations by which numbers of per-sons, whether manufacturers, stock-

hind themselves generally for long periods not to compete in the future.
"In the tobacco case, therefore, as in "In the tobacco case, therefore, as in the Standard Oil case, the court had to deal with a persistent and systematic law breaker manquerading under legal forms and which not only had to be stripped of its disguises, but arrested in its illegality. A discree of dissolution was the manifest instrumentality and inevitable. We think it would be a work of sheer supererogation to point out that a decree in that case or in the Standard Oil case furnishes no example for a decree in that case or in the Standard Oil case furnishes no example for a decree in this.

"In conclusion we are unable to see that the public interest will be served by yielding to the contention of the violation and bold defiance of the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the provisions of the act, nevertheless are improved to the second to the second that the public interest will be served by yielding to the contention of the act, nevertheless are improved to the second to the subsidiaries of the provisions of the act, nevertheless are improved to the second to the second the second that the only of the second the second to the second the provisions of the second the subsidiaries of the second that the only of the second that the public interest will be severed to the second the second that the public interest will be severed to the second the second that the public interest will be severed to the second the second that the public interest will be severed to the second that the public interest will be severed to the second that the public interest will be severed to the second that the public interest will

ample for a decree in this.

"In conclusion we are unable to see that the public interest will be served by yielding to the contention of the Government respecting the dissolution of the company or the separation from it of some of its subsidiaries; and we do see in a contrary conclusion a risk of injury to the public interest, including a material disturbance of and, it may be, serious detriment to the foreign trade. isn't a matter of luck, but a And in submission to the policy of the public interest is of paramount interest."

Text of Minority Opinion

The dissenting opinion, read by Jusice Day, in part said:
"This record seems to leave no fair
room for a doubt that the defendants,

the United States Steel Corporation and the several subsidiary corporations which make up that organization, were formed in violation of the Shezman act. I am unable to accept the conclusion which directs a dismissal of the bill instead of following the well setted practice, sanctioned by previous decisions of this court, requiring the dissolution of combinations made in direct violation of the law.

"It appears to be thoroughly estab-ished that the formation of the corporations, . . . constituted combi-nations between competitors, in violaion of law and intended to remove competition and to directly restrain trade. I agree with the conclusions of Woolley and Hunt, expressed in the court below, that the combinations submissions to business conditions, but were designed to control them

"Those judges found that the constituent companies of the Steel Corporation, nine in number, were themselves com-binations of steel manufacturers, and the effect of the organization of these combinations was to give a control over he industry at least equal to that thereofere possessed by the constituent com-naics and their subsidiaries.

"The enormous overcapitalization of panies and appropriation of \$190,-000,000 in steck to promotion expenses were represented in the stock issues of the new organizations thus formed, and were the basis upon which large divinds have been declared. This record shows that the power obtained by the large competing companies which were of themselves illegal combinations and succeeded to their power. It is the irresistible conclusion that great profits to be derived from unified control were the object of these organizations. "The contention must be rejected that the combination was an inevitable evo-

"Gary Dinners" Are Recalled. "For many years, as the record dis-

lution of industrial tendencies compel-

closes, this unlawful organization ex-erted its power to control and maintain prices by pools, associations, trade meet ings and as the result of discussion and agreement at the so-called 'Gary dinners,' where the assembled trade oppo-nents secured co-operation and joint action through the machinery of special committees of competing concerns, and by prudent prevision/took into account any disturbance of the possibility of defection and the panies are enumerated. They are the the possibility of defection and the Carnegie Steel Company (a combination means of controlling and perpetuating that industrial harmony which aros from the control and maintenar

"It inevitably follows that the corporation violated the law in its formation and by its immediate practices. The power thus obtained from the combination of resources almost unlimited in the aggregation of competing organisa-tions, had within its control the domina-tion of the trade and the ability to fix prices and restrain the free flow of commerce upon a scale heretofore unap-proached in the history of corporate or-

ganization in this country.
"These facts established, as it seems ganization in this country.

"These facts established, as it seems gratified by the decision of the Supreme to me they are, by the record, it follows Court of the United States, which, as I that if the Sherman act is to be given understand, holds that the corporation efficacy there must be a decree undering was not in itself an organization in vioso far as is possible that which has been achieved in open, notorious and con-

tinued violation of its provisions.
'I agree that the act offers no object tion to the mere size of a corporation, nor to the continued exertion of its lawful power when that size and power have been obtained by lawful means. But I understand the reiterated decision of this court construing the Sherman act disruption of present conditions but to hold that this power may not legally the restoration of the conditions of be derived from conspiracies, combinations or contracts in restraint of trade. To permit this would be practically annul the Sherman law by judicial de-

Justice Day said the Sherman act had changes were to be made now in its construction or operation the exertion of such authority rested with Congress and not with the courts.

Standard Oll Case Cited. Citing the Standard Oil case, Justice Day said that combination was "certainly not more obnexious to the Sherman act

than the court now finds the one under "In the American Tobacco Company concluded that the only effectual remedy was to dissolve the combination and the companies comprising it. In that case the corporations dissolved had long been property and in the in existence, and the offending companies business enterprise."

appreciation.

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5-point	Leaded	150
5-point	Solid	69
6-point	Leaded	34
6-point	Solid	47
7-point	Leaded	27
7-point	Solid	38
8-point	Leaded	23
8-point	Solid	32
9-point	Leaded	21
9-point	Solid	28
10-point	Leaded	16
10-point	Solid	21
11-point	Leaded	14
11-point	Solid	17
12-point	Leaded	11
12-point	Solid	14
18-point	Solid	7

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"This court has held that the prope enforcement of the act requires decrees to end combinations by dissolving them and restoring as far as possible the com-Telephone Chelsea 7840 petitive conditions which the combinations have destroyed. I am unable t see force in the suggestion that public policy, or the assumed disastrous effect

2.50 BEER LAW IN WISCONSIN UPHELD

Continued from First Page.

State prohibition laws take precedence over the Federal regulation. Judge Geiwithheld, or exerted with forbearing benevolence, does not place such cominjunction order will be issued within who asserted that the Government's view binations beyond the authority of the twenty days unless the case is carried that the amendment is "unassailabl statute which was intended to prohibit to the United States Supreme Court and could "only lead to anarchy and oppres their formation, and when formed to deprive them of the power unlawfully there reversed.

Despite the victory to-day there will

be no immediate manufacture of beer in Wisconsin, according to William H. Auatin, counsel for the Wisconsin Brew-ers Association. Mr. Austin explained nation of the steel business was never attained by the offending combinations. that the wartime prohibition act is still beyond the requirements of the statute. in effect and since it supersedes the Voland in most cases practically impossible action was instituted, brewing is not legal until the proclamation of peace is ernment's request . . . for a decree of dissolution would not result in a made by President Wilson. Beer will be manufactured and sold immediately the manufactured and sold immediate change in the conditions of the steel Such is not the theory of the Sherman act. . . . We have here a combination in control of one-half of the

"It seems to me that if this act is to tion 1, title 2, of the Voistead act was unconstitutional; also since the consti-tutional amendment prohibited only indismissed and the cause should be remanded to the District Court, where a toxicating liquors neither Congress nor the State Legislature had the power toplan of effective and final dissolution of the corporation should be enforced by define the word intoxicating liquor ap as to include beverages non-intoxicating in fact. The decision on this point says; The act in question in so far as it de-GARY WAS CONFIDENT ines or attempts to define intoxicating iquors by including real non-intoxi ants cannot be sustained." OF OUTCOME OF SUIT

The Manitowoc Products Company in Says Any Other Decision Mould Have Been Calamity.

Any other decision on the part of the State Legislature. The court held that the amendment did not prohibit the State from fixing a standard under its

Gary's opinion of the verdict follows:

"All the members of the organization on the question in the organization of the United States Steel Corporation States, directly to the United States Suof the United States Steel Corporation States, directly to the United States Suof the United States Steel Corporation States, directly to the United States Suorganization of the verdict follows:

both sides in the case. The Wisconsin Anti-Saloon League is was not in itself an organization in viopreparing to join in the appeal to the United States Supreme Court. R. Hutlation of the Sherman act, and in gen-eral affirms the decision of the Circuit on, head of the league, said that peti-Court of Appeals. Those of us who were ntimately connected with the creation court in which the society would seek of the corporation and with its principles and policies from that time until the

to participate in the suit.
The Mulberger act will be voted on at the fall election when it goes before decision in the case ought to be in its the people for a popular referendum, favor. There has never been any intention on our part to violate the Sherman Special to THE SUN AND NEW YORK HERALD,

It has been our endeavor to be of CHICAGO, March 1.-Levy Mayer, coun-sel for the "wets" in Chicago and the real benefit to our employes, our cus- sel for the "wets" in Chicago and the tomers, our competitors and especially to middle West district, to-day heralded the the general public and to be of injury to decision in Milwaukee as a "wet" vic-no one. That we may have failed in tory, declaring that the opinion of Judge Geiger was directly in support of the contention that the Eighteenth Amendment itself expressly gives State the case emphasises the necessity on the part of industrial managers to observe nower.

the requirements of all statutory provis-ions and to keep constantly in mind the "It is a great victory over the 'drys and it throws legal support behind the arguments of the 'wets,' " Mr. Mayer hink from the beginning sentiment has "We are going to argue the very generally been favorable to the corpora-tion, and, if so, it is because we have taken pains to publish the facts concernpoint in the United States Supre-Court next Monday."

> Providence Bricklayers Quit. PROVIDENCE, March 1 .- Five hundred

"A decree of dissolution would have been a calamity. It would seriously have interfered with industrial progress members of the bricklayers union went on strike here to-day, tying up all large and prosperity. The decision as made will immeasurably add to the general feeling of confidence in the value of property and in the opportunities of business enterprise."

construction work. They demand \$1.25 an hour for an eight hour day, the present scale being \$1 an hour. The contractors have offered a compromise of business enterprise." The decision as made

2,100,000

20,750,000

Agents Everywhere

HUGHES OPENS FIGHT FOR 21 DRY STATES

His Court Brief Tends to Upholds Government in First Rhode Island Suit.

DISMISSAL IS DEMANDED

Amendment Leads to Anarchy Is Latest Charge of Little Wet State.

Special to THE SUN AND NEW YORK HERALD, WASHINGTON, March 1.-Twenty-one trine that the word amendment in Artidry States, represented by Charles E. Hughes, to-day lined up in opposition to the efforts of Rhode Island to have the constitutional prohibition amend-ment and the Volstead law enforcing it declared invalid.

Mr. Hughes obtained permission from

the United States Supreme Court to file a brief supporting the contentions of the Federal Government and the pro-hibitionists in the original proceedings brought in the court by Rhode Island, Several wet States, it was rumored court attorneys, will back up Island's contentions as a result of Mr. Hughes's action.
The States he represents are Delaware

North Carolina, Kentucky, Louisiana, Indiana, Alabama, Maine, Arkansas, Michigan, Florida, Oregon, Kansas, West Virginia, Nevada, Montana, North Dako-ta, South Dakota, Wyeming, Utah, Arizona and Nebraska. The move to back up the constitutional prohibition laws, Mr. Hughes stated, was initiated by the Governor of Maine, who sent out letters to the Governors of all the States uning them to back up the Federal Govern-ment in the suit. Mr. Hughes stated that he had received direct authorizations from the Attorneys-General of all the States except two, to file the brief, and in the exceptions his action was au-thorized by the Governors.

Dismissal of the suit, which the Gov. ernment has moved, was opposed in an other brief presented by Attorney-Gen-eral Herbert A. Rice of Rhode Island,

Contentions in Briefe

The brief contends that it is the duty of the court to keep Congress in its amendments to the Constitution "within the scope and jurisdiction of Federal authority," and "maintain that line stead enforcement act, against which division between Federal and State action was instituted, brewing is not powers" which has "for so many years insured the harmonious operation of our dual system of government-ordaine

subversive of fundamental principles that its acceptance would bring about a

"It would convert the sovereignty of the people into a sovereignty of officials. Government and the States become demere purpose of having equal represen-

supreme Court would have been a calamity, according to Eibert H. Gary, chairman of the Board of Directors of the United States Steel Corporation. Mr. Gary's opinion of the verdict follows:

State from fixing a standard under its police power.

H. A. Sawyer, the United States Attorney to day felegraphed to Attorney to day felegraphed to Attorney Constitution. The orier declares that Article V. of a city or president of a town or village the Constitution, relating to amendiate a tax of \$10, and for short term tion of errors committed in framing the Constitution. The Constitution of the Constitution of the Constitution of the Constitution of the Constitution. The proposal Amendment "to the States," the brief asserts, is unconstitutional "and is a revolutionary proceeding." Heretofore, it was stated, Congress has proposed amendments "to the Legislatures of the

several States." "The different course which was pur sued in this instance was adopted un-derstandingly and with a purpose," cortinued the brief. "It was necessary depart from the practice which had always heretofore ordained in order to



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cle V, includes proposals covering the whole field of absolute sovereignty. In whole held of absolute sovereignty. In the proposal of the so called amendment neither a power nor a subject matter within the scope of the Federal Constitution was dealt with. On the contrary, the power involved resided in the sovereign people of the respective States and in them exclusively. It was atitution necessary, therefore, in order to obtain a surrender of such power to propose the so-called amendment to those who

Necessity Recognized.

Recognizing the necessity, Congress nade the proposal of the so-called mendment to the respective States, that s, to the sovereign people of the reective States. Such a submission of the proposal to the States is nowhere recognized by the Federal Constitution and is a revolutionary proceeding.

"The entire procedure is revolution-

ry and without constitutional sanction.
"It surpasses all understanding that Congress, while submitting the proposal 'to the States,' declares that their Legislatures shall bind them. When, pray, did Congress become the dictator over the sovereign people of a State with respect to their sovereign powers? Sove-reignty resides in the people and they

alone may express acversign will."

No definite date has yet been set for
the arguments that will determine the validity of constitutional prohibition, but it is probable it will be near March 15. The court to-day agreed to advance appeals from decisions of Massachusetts and Kentucky courts holding the law constitutional for argument with the Rhode Island proceedings. The case rom Ohio to determine whether States an withdraw ratifications of the proibition amendment by referendums probably will be delayed until after

SIX P. C. BEER BILL OFFERED IN ALBANY

Cavillier Sponsor of Proposed New Licensing Act. ALBANY, March 1 .-- A bill designed to

repeal the liquor tax law and provide for the licensing of the business of trafcking in beverages containing not more than 6 per cent. of alcohol was intro-duced in the Legislature to-night by As-It would endanger civil liberty and those semblyman Louis A. Cuvillier, Democrat, innumerable rights that have been inherited from the common law since the provide for the issuance of State licenses time of Magna Charta. Under its applifor manufacturing or selling the 6 cation the boundary established by the per cent. beverage at \$200 a year under Constitution between Federal and State the supervision of the Secretary of State. authority could be shifted at will, as The Cuvillier measure does not con-officials might be influenced by political tain any of the city or town local opdowardice or expediency. In fact, all tion provisions of the present excise law power might be absorbed by the Federal Provisions in the bill are designed to provide that moneys received under the proposed law be divided evenly between counties and the State for issuance of The brief declares that Article V. of

Another provision is intended to exnpt political, religious, social or charitable institutions from a tax when field day, clambake, excursi

pices and where the entire receipts go to the benefit of such organization or in-

TOWNS VOTING WET IN MASSACHUSETTS

Many Following Cities' Lead on Liquor Question.

BOSTON, March 1 .- Among the sixtyseven Massachusetts towns which held town meetings to-day a large number followed the lead of the majority of the cities at their elections tast De-cember in voting "Yes" on the liquor

license question.

In many cases it was the first time the towns ever had voted "wet." Because of the advent of prohibition the votes are only expressions of sentiment. A few of the towns voted against license, mostly by majorities largely reduced from last year.

ANOTHER CELLAR RAIDED. Thieves Get Two Cases of Whinkey in Roslyn.

Any one found staggering around Roslyn or adjoining towns on Long Island is liable to be arrested, not for intoxicawho have amassed a huge private stock of their own were found to have made another haul yesterday in Nassau

The family plate of Frank W. Henderson of Roslyn is intact and so are the rest of his personal effects in his country place, with the exception of two cases of whiskey stored in the cellar. during the week end thleves broke into the cellar and cleaned out the supply of



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